

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
December 13, 2011

In the Matter of A. ASHFORD, JR., Minor.

No. 303630
Kent Circuit Court
Family Division
LC No. 10-050054-NA

Before: MARKEY, P.J., and FITZGERALD and BORRELLO, JJ.

PER CURIAM.

Respondent mother appeals as of right from an order terminating her parental rights to the child under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

Respondent first argues that the trial court erred in failing to facilitate her participation in a May 26, 2010, dispositional review hearing that was held while respondent was in jail on a trespassing charge.¹ Respondent failed to preserve this issue for review by requesting an adjournment or other accommodation from the trial court. *Napier v Jacobs*, 429 Mich 222, 227; 414 NW2d 862 (1987). We nevertheless find no error requiring reversal where respondent was represented by counsel at the May 26 hearing, was herself present at all other hearings, and has not shown that she was prejudiced by her absence.

Respondent next argues that the trial court made erroneous findings of fact following the termination hearing. This Court reviews the court's findings of fact in a child protection case for clear error. MCR 3.977(K); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). A finding is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with the definite and firm conviction that a mistake has been made. *Mason*, 486 Mich at 152.

Respondent first argues that the trial court clearly erred in finding that her relationship with the child's father ended as a result of his incarceration, rather than by respondent's actions, and that respondent did not benefit from domestic violence counseling. We find no clear error in the court's findings. Evidence was presented that numerous incidents of domestic violence

¹ Respondent was charged with trespassing on May 22, 2010.

occurred between the parties before the child's father's incarceration. Respondent ended her relationship with the father when he was incarcerated for domestic violence in November 2010. Thereafter, there were no incidents of domestic violence between the parties. A trier of fact is permitted to make reasonable inferences from the evidence. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985). Here, the trial court reasonably inferred that the father's incarceration was a factor in the cessation of violence between the parties. Furthermore, where the caseworker testified that respondent had not yet shown that she could maintain her recent progress over time, the court did not clearly err in finding that it was not clear whether respondent had benefited from domestic violence counseling.

Respondent also challenges the trial court's finding that she "acknowledged that she does not have independent housing at this time and is living with her mother." Respondent contends that it was not clear from the court's findings whether the court objected to the fact that respondent was living with her mother or whether the court objected to the fact that respondent did not have independent housing. We find no clear error where the trial court merely restated respondent's testimony. Respondent testified that she moved in with her mother after she moved out of the apartment she shared with the child's father. She testified that she was living with her mother because she could not afford independent housing and that her plan was to find a job so that she could save money for her own housing. In light of this testimony, we find no clear error in the trial court's findings regarding respondent's housing situation. Furthermore, while respondent argues that it was not clear from the court's findings whether lack of independent housing was an issue of concern, the issue appeared to be that respondent did not have stable housing. She did not plan to stay with her mother but did not have the means to obtain independent housing in the near future, given her unemployment and felony record. The caseworker testified that respondent told her that she was only staying with her mother temporarily, "long enough to get on her feet." The caseworker further testified that independent housing was "recommended." On the basis of this testimony, we find no clear error in the trial court's findings.

Affirmed.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Stephen L. Borrello